

03-05-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: TOM, Curtis P. ✓ Confirmation No.: To be Assigned
Serial No.: To be Assigned 10 749 327 Art Unit: To be Assigned
Filed: December 30, 2003 Examiner: To be Assigned
For: PRESSURE SENSOR FOR Attorney 008563-999240
THERAPEUTIC DELIVERY Docket No.: (formerly 10177-243-999) ✓
DEVICE AND METHOD

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of :

☐ Each U.S. patent application publication and U.S. and foreign patent;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Jones Day Deposit Account No. 503013.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Jones Day Deposit Account No. 503013.
5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☒ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

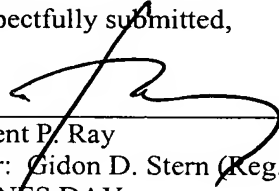
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☒ Copies of publications listed on Form PTO-1449 from prior application Serial No. 10/347,567, filed on January 17, 2003, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check Item 8a, 8b, or 8c)

- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 503013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: March 4, 2004


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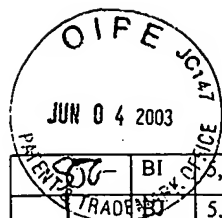
Express Mail No.: EV335856352US

LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 10177-180-999	APPLICATION NO 10/347,567
	APPLICANT Tom	
	FILING DATE 01/17/03	GROUP 3752

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
SG	AA	3,773,034	11/20/73	Burns <i>et al.</i>			
	AB	3,952,742	04/27/76	Taylor			
	AC	4,296,100	10/20/81	Franco			
	AD	4,531,936	07/30/85	Gordon			
	AE	4,657,536	04/14/87	Dorman			
	AF	4,770,653	09/13/88	Shturman			
	AG	4,911,148	03/27/90	Sosnowski <i>et al.</i>			
	AH	4,946,442	08/07/90	Sanagi			
	AI	4,994,033	02/19/91	Shockey <i>et al.</i>			
	AJ	5,061,273	10/29/91	Yock			
	AK	5,185,004	02/09/93	Lashinski			
	AL	5,203,772	04/20/93	Hammerslag <i>et al.</i>			
	AM	5,244,460	09/14/93	Unger <i>et al.</i>			
	AN	5,385,148	01/31/95	Lesh <i>et al.</i>			
	AO	5,419,777	05/30/95	Hofling			
	AP	5,489,575	02/06/96	Lee <i>et al.</i>			
	AQ	5,499,971	03/19/96	Shapland <i>et al.</i>			
	AR	5,507,724	04/16/96	Hofmann <i>et al.</i>			
	AS	5,569,160	10/29/96	Sauer <i>et al.</i>			
	AT	5,569,217	10/29/96	Luther			
	AU	5,571,215	11/05/96	Sterman <i>et al.</i>			
	AV	5,591,195	01/07/97	Taheri <i>et al.</i>			
	AW	5,653,684	08/05/97	Laptewicz <i>et al.</i>			
	AX	5,661,133 B1	08/26/97	Leiden <i>et al.</i>			
	AY	5,662,124	09/02/97	Wilk			
	AZ	5,693,029	12/02/97	Leonhardt			
	BA	5,698,531	12/16/97	Nabel <i>et al.</i>			
	BB	5,733,250		Withdrawn			
	BC	5,733,280	03/31/98	Avitall			
	BD	5,797,870	08/25/98	March <i>et al.</i>			
	BE	5,797,960	08/25/98	Stevens <i>et al.</i>			
	BF	5,820,592	10/13/98	Hammerslag			
	BG	5,827,216	10/27/98	Igo <i>et al.</i>			
	BH	5,830,993	11/03/98	Blecha <i>et al.</i>			

APPLICANT'S COPY



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506-1	BI	5,833,658	11/10/98	Levy <i>et al.</i>				
	BK	5,840,031	11/24/98	Crowley				
	BL	5,840,059	11/24/98	March <i>et al.</i>				
	BM	5,840,062	11/24/98	Gumaste <i>et al.</i>				
	BN	5,843,050	12/01/98	Jones <i>et al.</i>				
	BO	5,846,221	12/08/98	Snoke <i>et al.</i>				
	BP	5,857,464	01/12/99	Desai				
	BQ	5,860,953	01/19/99	Snoke <i>et al.</i>				
	BR	5,871,495	02/16/99	Mueller				
	BS	5,876,373	03/02/99	Giba <i>et al.</i>				
	BT	5,882,332	03/16/99	Wijay				
	BU	5,885,272	03/23/99	Aita <i>et al.</i>				
	BV	5,891,133	04/06/99	Murphy-Chutorian				
	BW	5,931,831	08/03/99	Linder				
	BX	5,935,063	08/10/99	Nguyen				
	BY	5,941,845	08/24/99	Tu <i>et al.</i>				
	BZ	5,941,868	08/24/99	Kaplan <i>et al.</i>				
	CA	5,964,754	10/12/99	Osyka				
	CB	5,971,983	10/26/99	Lesh				
	CC	5,993,443	11/30/99	Murphy-Chutorian <i>et al.</i>				
	CD	5,997,525	12/07/99	March <i>et al.</i>				
	CE	6,004,269	12/21/99	Crowley <i>et al.</i>				
	CF	6,012,457	01/11/00	Lesh				
	CG	6,024,703	02/15/00	Zanelli <i>et al.</i>				
	CH	6,063,022	05/16/00	Ben-Haim				
	CI	6,133,233	10/17/00	Ross <i>et al.</i>				
	CJ	6,183,444	02/06/01	Glines <i>et al.</i>				
	CK	6,161,543	12/19/00	Cox <i>et al.</i>				
	CL	6,171,303	01/09/01	Ben-Haim <i>et al.</i>				
	CM	6,179,809	01/30/01	Khairkhahan <i>et al.</i>				
	CN	6,224,584 B1	05/01/01	March <i>et al.</i>				
	CO	6,237,605 B1	05/29/01	Vaska <i>et al.</i>				
	CP	6,309,375	10/30/01	Glines <i>et al.</i>				
	CQ	6,314,962 B1	11/13/01	Vaska <i>et al.</i>				
	CQ	6,314,963 B1	11/13/01	Vaska <i>et al.</i>				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
506-1	CR	WO 96/32129	10/17/96	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	CS	WO 97/25101	07/17/97	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	CT	WO 97/47253	12/18/97	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	CU	WO 99/39624	08/12/99	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	CV	WO 00/57895	10/05/00	PCT			<input type="checkbox"/>	<input type="checkbox"/>



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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>Sub</i>	CW	Padua <i>et al.</i> , "Basic fibroblast growth factor is cardioprotective in ischemia-reperfusion injury" <i>Molecular and Cellular Biochemistry</i> 143 : 129-135 (1995)
	CX	Shi <i>et al.</i> , "PR-39, a proline-rich antibacterial peptide that inhibits phagocyte NADPH oxidase activity by binding to Src homology 3 domains of p47phox" <i>Proc. Natl. Acad. Sci.</i> 93 :6014-6018 (1996)
	CY	Uchida <i>et al.</i> , "Angiogenic therapy of acute myocardial infarction by intrapericardial injection of basic fibroblast growth factor and heparin sulfate: An experimental study" <i>Am. Heart J.</i> , 130 :1182-1188 (1995)
	CZ	Unger <i>et al.</i> "Basic fibroblast growth factor enhances myocardial collateral flow in a canine model" <i>Am J. Physiol.</i> , 266 :H1577-H1595 (1994)
	DA	Walterberger <i>et al.</i> , "Ischemia-Induced Transplant Arteriosclerosis in the Rat" <i>Arteriosclerosis, Thrombosis and Vascular Biology</i> 16 (12):1516-1523 (1996)
<i>Sub</i>	DB	Xiaobing, <i>et al.</i> "Ischemia and Reperfusion reduce the Endogenous Basic Fibroblast Growth Factor (bf GF) in Rat Skeletal Muscles" <i>Chinese Medical Journal</i> 108 (9): 699-703, (1995)

EXAMINER

DATE CONSIDERED

9/25/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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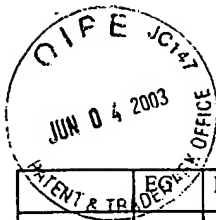
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SCB	DC	4,163,204	07/31/79	Sado et al.			
	DD	4,320,392	03/16/82	Giovinazzo et al			
	DE	4,469,091	09/04/84	Slanetz, Jr			
	DF	4,736,640	04/12/88	Hooks			
	DG	4,763,534	08/16/88	Hager			
	DH	4,847,586	07/11/89	Tanaga et al.			
	DI	4,904,184	02/27/90	Murphy et al.			
	DJ	5,339,799	08/23/94	Kami et al.			
	DK	5,341,687	08/30/94	Stan			
	DL	5,396,887	03/14/95	Imran			
	DM	5,414,940	05/16/95	Sturdevant			
	DN	5,429,006	07/04/95	Tamori			
	DO	5,520,188	05/28/96	Hennige et al.			
	DP	5,526,703	06/18/96	Aslam et al.			
	DQ	5,553,500	09/10/96	Grahn et al.			
	DR	5,578,766	11/26/96	Kondo			
	DS	5,583,303	12/10/96	Franz			
	DT	5,604,314	02/18/97	Grahn			
	DU	5,645,531	7/97	Thompson et al.			
	DV	5,725,523	03/10/98	Mueller			
	DW	5,755,714	05/26/98	Murphy-Chutorian			
	DX	5,855,577	01/05/99	Murphy-Chutorian et al.			
	DY	5,886,615	03/23/99	Burgess			
	DZ	5,891,133	04/06/99	Murphy-Chutorian			
	EA	5,925,012	07/20/99	Murphy-Chutorian			
	EB	5,989,700	11/23/99	Krivopal			
	EC	6,024,703	02/15/00	Zanelli et al.			
	ED	6,171,276	01/01	Lippe et al.			
SCB	EE	6,309,370	10/01	Haim et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
SCB	EF	WO A 9939624	8/12/99	PCT			<input type="checkbox"/>	<input type="checkbox"/>



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PATENT & TRADEMARK OFFICE	EP 0 442 016/90	EPO			<input type="checkbox"/>	<input type="checkbox"/>
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					<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

9/25/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.